

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

THOSE CHARACTERS FROM	)	
CLEVELAND, LLC,	)	
	)	
Plaintiff,	)	
	)	Case No. 23-cv-15080
vs.	)	
	)	Hon. Franklin U. Valderrama
THE INDIVIDUALS, CORPORATIONS, et al.	)	
	)	
Defendants.	)	
	)	

**DEFENDANT HAREBRAINED, INC.’S NOTICE AND MOTION FOR A HEARING  
DATE TO DISSOLVE OR MODIFY PLAINTIFF’S PRELIMINARY INJUNCTION**

Defendant, Harebrained, Inc. (identified as ‘harebrained’ on Schedule A to the Complaint), through Counsel respectfully requests this Court set a hearing date as soon as possible whereupon Defendant will move to dissolve or modify the Preliminary Injunction entered on November 21, 2023 (ECF 43) and thus provides Notice of the same to Plaintiff.

Plaintiff and their Counsel misled this Court, through false and misleading affidavits, into entering an *ex parte* Temporary Restraining Order that went into effect on October 27, 2023, at 6:00PM. ECFs 10/11, Order at ECF 26. Plaintiff and their Counsel then had that TRO extended on (ECF 29, Order at ECF 30) November 11, 2023, before finally moving to have it converted into an *ex parte* Preliminary Injunction, which was granted on November 21, 2023. PI Order at ECF 43. No notice of the TRO or PI was provided to Defendant nor was any hearing on the PI ever held until Plaintiff finally emailed notice of this lawsuit on November 21, 2023.

Defendant is a Chicago-based Art and Design Company that creates original artwork and sells that work on a variety of apparel and similar items such as coffee mugs, calendars, etc.,

through their website (harebraineddesign.com) and various online marketplaces such as TeePublic. Defendant has at all times relevant maintained an office in Chicago, and Harebrained, Inc. is registered with the Illinois Secretary of State. The location of their office and registered agent is easily found *in under five minutes* from their TeePublic online store (listed on Schedule A to the Complaint as <https://www.teepublic.com/user/harebrained>). Harebrained does not, nor has it ever, used or infringed on any Trademark held by Plaintiff. In fact, contrary to the multiple affidavits of Plaintiff, their own ‘evidence’ makes it clear that Defendant has not infringed on any of Plaintiff’s registered Trademarks. *See*, ECF 22 at p. 129, screenshot of Defendant’s TeePublic store containing a design with no Trademarks held by Plaintiff. Yet, Defendant’s PayPal account has been disabled, nonetheless.

Plaintiff and their Counsel have disrupted small, independent, businesses such as Defendant’s by freezing their assets and online payment accounts, most notably PayPal. This was all done, with no notice to Defendants, before ‘Black Friday’ and ‘Cyber Monday’ and the holiday shopping season in general. Small businesses like Defendant’s receive a large portion of their yearly revenue during this critical time. Moreover, Defendant still requires cash for payroll, merchandise, and other business expenses – cash that is now held in limbo. Plaintiff’s tactics are clearly calculated to harass and destroy small business owners.

The Preliminary Injunction Order states:

Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to Plaintiff or on shorter notice as set by this Court.

ECF 43 at p. 8

Defendant thus requests a hearing date of Tuesday, December 5, 2023, at 9:00AM or any time set by the Court or for the earliest possible date, and for any other relief the Court finds

proper. Defendant's counsel has made multiple attempts to contact Plaintiff's counsel via email and phone to discuss the case – but Plaintiff's counsel has ignored those requests.

Dated: December 1, 2023

By: /s/ Michael W. Drew

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**CERTIFICATE OF SERVICE**

I, Michael Drew, an attorney, hereby certify that on December 1, 2023, I electronically filed the foregoing document using the CM/ECF system, which will send notification of such filing to all attorneys of record.

**Dated: December 1, 2023**

Respectfully submitted,

By: \_\_\_\_/s/ Michael Drew